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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,939	02/23/2004	Isidore I. Lamke	LUMA 7577U2	3811
1688	7590	03/04/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			HERNANDEZ, OLGA	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,939

Applicant(s)

LAMKE ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/23/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 91004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1-8 are objected to because of the following informalities: claim 1 does not have an end period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunning et al (6,765,495).

As per claim 1, Dunning discloses a transmitter unit at a first vehicle, said transmitter unit including a signal interface for receiving at least one of a plurality of signals indicating a right turn, a left turn, brake application and lights on, a microcontroller operatively connected to said signal interface for receiving at least one signal and converting the signal to a digital representation, and a transmitter/receiver operatively connected to said microcontroller for at least transmitting one digital signal; a receiver unit on a second vehicle, said receiver unit including a receiver/transmitter for receiving the digital signal, a microcontroller operatively connected to said

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receiver/transmitter for decoding said digital signal, for determining whether the digital signal is from the first vehicle or is a signal from a vehicle other than the first vehicle, and for transmitting a command signal if and if only if the signal is from the first vehicle; a lighting device responsive to the command signal from said microcontroller and indicating visually the decoded command (column 2, lines 22-52, column 3, lines 1-35, column 4, lines 1-33, column 5, lines 43-60, column 9, lines 4-8).

As per claim 2, Dunning discloses more than one vehicle with lighting device in an intervehicle communication system (figure 1 and abstract).

As per claim 3, Dunning discloses more than one vehicle with lighting device in an intervehicle communication system, wherein each vehicle has independent light bar mounted (e.g. brake signals, turning signals, figure 1, abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunning et al (6,765,495) in view of Breed (20030191568).

As per claim 4, Dunning does not teach a unique control command associated with the first vehicle transmitter. However, Breed teaches the particular code transmitted by a particular vehicle being unique (paragraphs [0361], [0364], [0366]).

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Thus, it would have been obvious to one skill in the art to combine Breed's unique code/command with Dunning's invention in order to determine the location of other vehicles of the roadway and determine if the vehicle has strayed from its proper position on the highway thereby increasing the risk of a collision and taking appropriate action to reduce the risk.

As per claim 5, Dunning teaches an intervehicle communication system, wherein the vehicles are designed to communicate therebetween (abstract and figure 1).

As per claim 6, Dunning teaches at least four different signals (figure 1, column 3, lines 25-35 and column 5, lines 45-55).

As per claim 7, Dunning does not teach the second vehicle transmitting command status to the first vehicle. However, Breed teaches it in paragraphs [0004], [0016], [0107], [0186] and figure 20. Thus, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to determine the location of other vehicles of the roadway and determine if the vehicle has strayed from its proper position on the highway thereby increasing the risk of a collision and taking appropriate action to reduce the risk.

As per claim 8, Dunning does not teach a source power associated with the second vehicle. However, Breed teaches it in paragraphs [0603] and figure 20. Thus, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to determine the location of other vehicles of the roadway and determine if the vehicle has strayed from its proper position on the highway thereby increasing the risk of a collision and taking appropriate action to reduce the risk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'OH' with a stylized flourish.

Olga Hernandez
Examiner
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